

STATE OF ALABAMA

TUSCALOOSA COUNTY

Before me, the undersigned authority for the State of Alabama, appeared Abigail Weissenbach, being sworn, states as follows:

I met Brad Petrey my freshman year at Brookwood High School. I had him as my teacher for History in the 9th grade, History and Psychology in the 11th grade. My senior year I had him for both Government and Economics. Starting about halfway through my junior year we became close and developed more of a friendship.

I was something of a loner at school and in talking with Brad I found that we had a lot in common, far more than most of the other students and I had.

During this time, there was never any thought of anything more than friendship. Another teacher, Ms. Vanoy, often went places with us. They were more like my friends than my teachers.

During the second semester of my junior year, there was gossip about the two of us that was untrue. As we defended ourselves against this, we grew even closer.

At the end of my junior year, we continued to be nothing more than good friends. At the beginning of my senior year (September 28) I turned 18. For much of my senior year, there was some tension between the two of us. I made the best grades I have ever made, which I think was in part because of all the help and encouragement he gave me. The tension was a result, in my opinion, of both of us realizing that our relationship was moving beyond just friendship.

Sometime in the fall, after my birthday, things changed and our relationship became sexual. This relationship was conducted in private, away from school. At school, we still focused on my assignments and grades and kept our relationship separate. At no time did Brad Petrey ever use his position as a teacher to manipulate, influence, pressure, or encourage me to enter into a sexual relationship. What I did was totally voluntary and done of my own free will. I am not a victim and except that Brad works as a teacher, this relationship would have been our own private business.

While this was going on, we both knew that what we were doing was morally wrong and we decided to end that part of the relationship. It was some time later that everything went public.

Through this all, the only people who lied or misled me were the police, who promised me if I would tell them what happened, nothing would happen to Brad. They lied!

I have moved away and am preparing to attend college. I am very happy with my life other than this situation, which angers me greatly. I fully believe that I have been able to get this far in part because of the support and help I got from Brad. He never did anything except try to help me. I did not intend to do anything to hurt him.

I do not intend to participate in any further court actions, nor do my parents.

Abigail Weissenberger

Sworn to me this the 30th day of January, 2016.

Rhonda Anne Bedale

Notary Public

Commission Expires: 10/4/2016



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CIRCUIT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

STATE OF ALABAMA,)	IN THE CIRCUIT COURT OF
Plaintiff,)	
)	TUSCALOOSA COUNTY, ALABAMA
vs.)	
)	
JOE BRADLEY PETREY,)	CASE NO. CC-2015-2438
Defendant)	
)	

MOTION TO HOLD 13A-6-81(a) UNCONSTITUTIONAL AS APPLIED

Comes now the Defendant in the above styled case, by and through his attorney, Joel L. Sogol, and moves this Honorable Court to hold the statute under which he is charged, towit: 13A-6-81(a), Code of Alabama, unconstitutional, and in support thereof shows as follows:

1. Defendant was a school employee and is charged with engaging in a sex act with a student.
2. At the time of the alleged sex act, the student was over the age of 18. In Alabama, the age of consent is 16.
3. The factual situation in this case shows that it was the student who pursued an intimate relationship with the teacher after her 18th birthday.
4. As charged, the statute in this case violates Lawrence v Texas, 359 U.S. 558 (2003) and its progeny.
5. Counsel has attached an affidavit from the former student as Exhibit A to this motion, verifying the allegations in this motion.

Wherefore, Defendant requests this Honorable Court to hold 13A-6-81(a) unconstitutional as applied in this case and dismiss his case.

s/ Joel L. Sogol

Joel L. Sogol (SOG-001)

Attorney for Defendant

CERTIFICATE OF SERVICE

This document has been filed electronically and served upon the listed opposing counsel or parties pursuant to the Administrative Procedure for filing, Signing and Verifying Documents by Electronic Means in the Alabama Judicial System. For any opposing counsel or unrepresented parties who are not registered to file electronically, a copy of this pleading shall be served via U.S. Mail, postage prepaid, to the litigants address as maintained in the office of the Circuit Clerk. Additionally, the Alabama Attorney General's Office has been served by certified mail.

s/ Joel L. Sogol

Joel L. Sogol (SOG-001)

Attorney for Defendant